



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,437	03/20/2001	Dagnachew Birru	US010069	9839
24737	7590	08/18/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			DEPPE, BETSY LEE	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/812,437

Applicant(s)

BIRRU, DAGNACHEW

Examiner

Betsy L. Deppe

Art Unit

2637

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 19.
6. ☒ Newly proposed or amended claim(s) 12-15 and 17-19 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 12-15 and 17-19.
Claim(s) objected to: _____.
Claim(s) rejected: 1-11 and 16.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Betsy L. Deppe
Primary Examiner
Art Unit: 2637

ADVISORY ACTION

Drawings

1. The drawings were received on August 8, 2005. These drawings are not accepted because the detailed description does not include a description of the encoder that was added to Figure 3. It is unclear how the encoder interfaces with the other elements of the circuit.

Response to Arguments

2. Applicant's arguments filed August 8, 2005 have been fully considered but they are not persuasive with regard to claims 1, 11 and 16. Therefore, the rejection of claims 1-11 and 16 is not withdrawn. The rejection of claims 4, 5 and 19 under 35 USC 112, second paragraph is overcome by the amendment.

3. With regard to applicant's argument that the AND gates simultaneously receive the respective output bits of the XOR gates (see page 9, first paragraph), the recited limitations do not support this argument. Each of the recited sub-multiplication circuits multiply a filter coefficient by "a positive value, a negative value or zero (0)." (See claim 1, lines 10 and 13) If the sub-multiplication circuit corresponds to 60, 64 and 66, as suggested by the applicant, the AND gates are not multiplying the filter coefficient (g_n) as recited. Furthermore, there is not a multiplication by a "negative value" as recited. The claim language in claim 1, lines 9-15 limits the interpretation of each "sub-

multiplication circuit" to a combination of an XOR gate and an AND gate (e.g. "54" and "64" form one sub-multiplication circuit) since the "filter coefficient" is inputted only to the XOR gate wherein XOR gate multiplies the filter coefficient by "a negative value" (see "inverters for multiplication by -1" in Figure 3) and multiplication by "a positive value" or "zero (0)" corresponds to an AND gate.

4. With regard to applicant's argument that page 2, lines 10-13 and Figure 1 in combination with Figure 3 and associated text of specification provides evidence that the applicant had possession of the concept of associating a discrete level value and an error signal (see page 9, second paragraph), the Examiner respectfully disagrees. According to the cited portions of the specification, it appears that the discrete level value corresponds to the output of the decision circuit, y_n , (see page 8, lines 14-15) and the error signal corresponds to e_n . Therefore, the discrete digital level value differs from the error signal whereas claim 11 recites that the discrete digital level value "is an error signal resulting from a recursive decision feedback filter operation" (*emphasis added*).

5. With regard to applicant's argument that page 2, lines 10-13 and Figure 1 in combination with Figure 3 is sufficient to enable those skilled in the art (see page 9, third paragraph), the Examiner respectfully disagrees. According to the cited portions of the specification, it appears that the discrete level value corresponds to the output of the decision circuit, y_n , (see page 8, lines 14-15) and the error signal corresponds to e_n . Since the discrete digital level value differs from the error signal while claim 11 recites

that the discrete digital level value "is an error signal resulting from a recursive decision feedback filter operation" (*emphasis added*), it is unclear how the error signal is converted to a discrete digital level value and/or used by the circuit shown in Figure 3.

6. With regard to applicant's argument that the original disclosure discloses the sub-multiplier circuit (see page 10, first paragraph), the Examiner agrees. However, claim 16 recites that "steps b) and c) are performed simultaneously" (*emphasis added*). Since step (c) uses the results of step (b) (see claim 12), it is implicit that step (b) must be performed prior to step (c) in order to provide the first and second intermediate results to "effect multiplication" by step (c). Therefore, it is unclear how to perform these two steps simultaneously, as recited in claim 16. The cited portions of the specification do not describe the simultaneous performance.

7. The applicant did not address the rejection of claims 1-11 under 35 USC 112, second paragraph in paragraph 13 of the Final Office Action mailed July 19, 2005. This rejection is maintained for appeal.

Allowable Subject Matter


8. Claims 12-15 and 17-19 are allowed.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsy L. Deppe whose telephone number is (571) 272-3054. The examiner can normally be reached on Monday, Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272 - 2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Betsy L. Deppe
Primary Examiner
Art Unit 2637

BD
8/16/05

